

Claim Rejections under 35 U.S.C. § 101

Claims 1-3, 6, and 7 have been rejected under 35 U.S.C. § 101 for statutory-type double patenting over prior U.S. Patent No. 6,719,743. Claims 1-3, 6, and 7 have been canceled, rendering the rejection moot.

Claim Rejections under 35 U.S.C. § 103

Claims 2, 3, 6, and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jessup et al. (U.S. Patent No. 6,039,716) in view of Mitchell et al. (U.S. Patent No. 5,637,106). Claims 2, 3, 6, and 7 have been canceled rendering this rejection moot.

Claims 1, 4, and 5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jessup in view of Mitchell and further in view of Osborn, III et al. (U.S. Patent No. 5,885,265). Claims 1 and 5 have been canceled making their rejection moot. Claim 4 has been amended to depend from new claim 8 and includes the additional limitations that “the absorbent layer is formed of a fibrous web comprising rayon, and the hydrophobic liquid-permeable layer is formed of a spunbonded nonwoven fabric comprising polyethylene terephthalate.” For the reasons given below, Applicant submits that new claim 8 is not taught or suggested by any of the references cited by the Examiner, either alone or in combination. Accordingly, amended claim 4 is allowable for at least the same reason, and withdrawal of the rejection is respectfully requested.

New Claims

New claim 8 recites

Claim 8. A sanitary tampon comprising:
an absorber including an absorbent layer made of an absorbent fibrous material and a hydrophobic liquid-permeable layer covering both surfaces of the absorbent layer, said absorbent layer having a plurality of small open recesses dispersed in both the surfaces of said absorbent layer and extending toward an inner area of said absorbent layer, said absorber being folded along three fold

lines extending in a longitudinal direction of said absorber to have three clefts defined between adjacent folds and then compressed over an entire length into a column shape with the three clefts opening on a column surface,

wherein the small open recesses are formed by embossing the absorbent layer prior to compression so that a fiber density of the absorbent layer is increased in a vicinity of the small open recesses.

(Emphasis added.)

The plurality of small recesses as recited in new claim 8 facilitate increased absorption of fluids into the absorbent layer. *See* specification at page 3, line 16-page 4, line 2. The absorber is folded along three fold lines extending in a longitudinal direction to increase the surface area of the absorbent layer and compressed into a column shape over the entire length of the absorber, thereby increasing its absorption capacity. *See* specification at page 5, line 11-page 6, line 5.

In contrast, Jessup, Mitchell, and Osborn, either separately or together, fail to teach or suggest the limitations that the absorber is “folded along three fold lines extending in a longitudinal direction of said absorber to have three clefts defined between adjacent folds and then compressed over an entire length into a column shape with the three clefts opening on a column surface.”

Jessup discloses an absorbent member 12 rolled into a cylindrical “softwind” 22 and compressed into an M-shape by folding along three fold lines 28,30,32 perpendicular to the longitudinal direction of the absorber. Figs. 1-8. The fold lines produce a single cleft 40 that opens from the surface of the compressed column. *See* col. 6, lines 50-57. Therefore, Jessup fails to disclose the limitations of claim 8 underlined above.

While Osborn discloses a folded interlabial pad along three longitudinal lines, the pad assumes a “tent-like” shape (col. 14, lines 29-36) and is not compressed over its length. *See* Figure 6. The interlabial pad is folded to conform to the wearer’s anatomy (*see* col. 14, lines 24-45), rather

than to increase surface area and absorption capacity as in Applicant's absorber of claim 8. Therefore, Osborn fails to teach or suggest an "absorber being folded along three fold lines extending in a longitudinal direction of said absorber to have three clefts defined between adjacent folds and then compressed over an entire length into a column shape with the three clefts opening on a column surface" as required by claim 8. Mitchell pertains to absorbent pads for diapers and underpants and is silent concerning folding a pad in the longitudinal direction and compressing it into a column shape.

For at least the foregoing reasons, Applicant submits that new claim 8 is allowable over the prior art of record. As new claims 9 and 10 depend from allowable claim 8, they are allowable for at least the same reasons.

CONCLUSION

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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